

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 * * *

4 SECURITIES AND EXCHANGE
5 COMMISSION,

6 Plaintiff,

7 v.

8 MATTHEW WADE BEASLEY, et al.,

9 Defendants.

Case No. 2:22-cv-00612-CDS-EJY

ORDER

10 Before the Court is Receiver Geoff Winkler's Motion for Order Authorizing Receiver to
11 Employ Litigation Support Consultant. ECF No. 455. No response to the Motion was received by
12 the Court. Under United States District Court for the District of Nevada Local Rule 7-2(d), the Court
13 may treat the failure of the nonmoving party to respond to a motion as consent by that party to the
14 granting of that motion. In addition, upon review of Receiver's Motion, the Court finds he is entitled
15 to the relief requested.

16 **I. Discussion**

17 Under the Order Appointing Receiver, with the Court's approval, the Receiver may "employ
18 persons in his discretion ... to assist him in carrying out his duties and responsibilities ... including,
19 but not limited to, accountants, attorneys, securities traders, registered representatives, financial or
20 business advisers, liquidating agents, real estate agents, forensic experts, brokers, traders or
21 auctioneers." ECF No. 88 ¶ 7(F). This case concerns complex areas of securities law, entails many
22 Defendants, both individuals and entities, and involves review of a large amount of highly technical
23 material, including Electronically Stored Information ("ESI").

24 As the party responsible for sifting through this data and maximizing the recoverable assets
25 for the receivership estate, Receiver asks the Court for approval to employ Aitheras, LLC
26 ("Aitheras") as a consultant to help in the review and processing of ESI germane to Receiver's
27 mission in this case. ECF No. 455 at 7. After investigating, Receiver determined in his reasonable
28 business judgment that Aitheras can provide the services Receiver requires and, after conducting a

1 broad search of other similar firms, Receiver concluded Aitheras will provide the receivership estate
2 with the best services at the least amount of cost. *Id.* at 8. In addition, Receiver avers that the rates
3 charged by Aitheras are comparable to rates charged for similar services in nearby markets. *Id.* at
4 8-10. Finally, Aitheras has evaluated its potential conflicts of interest and finds it can perform the
5 work requested by Receiver free of any conflict. *Id.* at 10-11.

6 **II. Order**

7 Accordingly, IT IS HEREBY ORDERED that Receiver's Motion for Order Authorizing
8 Receiver to Employ Litigation Support Consultant (ECF No. 455) is GRANTED.

9 Dated this 17th day of February, 2023.

10 
11 ELAYNA J. YOUCHAH
12 UNITED STATES MAGISTRATE JUDGE

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28